

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**TARRENCE KONARD ASH,**

**Petitioner,**

**vs.**

**9:08-cv-980**

**SUPERINTENDENT,**

**Respondent.**

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**APPEARANCES:**

**OF COUNSEL:**

Tarrence Konard Ash  
91-A-3368  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, NY 12929  
Petitioner, *pro se*

Hon. Andrew M. Cuomo  
Attorney General of the State of New York  
120 Broadway  
New York, NY 10271  
Attorney for Respondent

Thomas B. Litsky  
Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 28<sup>th</sup> day of April 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Petition is denied and dismissed. Petitioner has failed to make a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2); accordingly, no certificate of appealability shall issue.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: May 25, 2010  
Syracuse, New

York

  
Norman A. Mordue  
Chief United States District Court Judge